

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85953691
LAW OFFICE ASSIGNED	LAW OFFICE 110
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (036)(no change)	
GOODS AND/OR SERVICES SECTION (037)(current)	
INTERNATIONAL CLASS	037
DESCRIPTION	Real estate development
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 05/31/2012
FIRST USE IN COMMERCE DATE	At least as early as 05/31/2012
GOODS AND/OR SERVICES SECTION (037)(proposed)	
INTERNATIONAL CLASS	037
DESCRIPTION	Real estate development
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 05/31/2012
FIRST USE IN COMMERCE DATE	At least as early as 05/31/2012
STATEMENT TYPE	"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use].

SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPU1-381211809-20140924115958629319_.20140924121914008.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT16\IMAGEOUT16\859\536\85953691\xml8\RFR0002.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\859\536\85953691\xml8\RFR0003.JPG
SPECIMEN DESCRIPTION	A copy of a business card showing the mark in connection with the offering of the recited services.
SIGNATURE SECTION	
DECLARATION SIGNATURE	/marilyn matthes brogan/
SIGNATORY'S NAME	Marilyn Matthes Brogan
SIGNATORY'S POSITION	attorney
SIGNATORY'S PHONE NUMBER	212 588 0800
DATE SIGNED	09/24/2014
RESPONSE SIGNATURE	/marilyn matthes brogan/
SIGNATORY'S NAME	Marilyn Matthes Brogan
SIGNATORY'S POSITION	attorney
SIGNATORY'S PHONE NUMBER	212 588 0800
DATE SIGNED	09/24/2014
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Sep 24 12:20:16 EDT 2014
TEAS STAMP	USPTO/RFR-38.121.180.9-20 140924122016648994-859536 91-500452c1843bf381b53ebd 36a37387cd71475d43483b977 ecef9d97cbf11ca561-N/A-N/ A-20140924115958629319

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **85953691** has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 037 for Real estate development

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 05/31/2012 and first used in commerce at least as early as 05/31/2012 , and is now in use in such commerce.

Proposed: Class 037 for Real estate development

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 05/31/2012 and first used in commerce at least as early as 05/31/2012 , and is now in use in such commerce.

Applicant hereby submits one(or more) specimen(s) for Class 037 . The specimen(s) submitted consists of A copy of a business card showing the mark in connection with the offering of the recited services. .

" The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"*[for an application based on Section 1(a), Use in Commerce]* **OR "**
The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use "*[for an application based on Section 1(b) Intent-to-Use]* .

Original PDF file:

[SPU1-381211809-20140924115958629319_. 20140924121914008.pdf](#)

Converted PDF file(s) (2 pages)

[Specimen File1](#)

[Specimen File2](#)

SIGNATURE(S)

Declaration Signature

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or amendment to allege use (AAU) unsigned, all statements in the application or AAU and this submission based on the signatory's own knowledge are true, and all statements in the application or AAU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AAU: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(a) or AAU under 15 U.S.C. Section 1051(c), the signatory additionally believes that: the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce and has been using the mark in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the signatory additionally believes that: the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention and has had a bona fide intention as of the application filing date to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

Signature: /marilyn matthes brogan/ Date: 09/24/2014

Signatory's Name: Marilyn Matthes Brogan

Signatory's Position: attorney

Signatory's Phone Number: 212 588 0800

Request for Reconsideration Signature

Signature: /marilyn matthes brogan/ Date: 09/24/2014

Signatory's Name: Marilyn Matthes Brogan

Signatory's Position: attorney

Signatory's Phone Number: 212 588 0800

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85953691

Internet Transmission Date: Wed Sep 24 12:20:16 EDT 2014

TEAS Stamp: USPTO/RFR-38.121.180.9-20140924122016648

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